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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,¹

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,²

USA SECURITIES, LLC,³
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**NOTICE OF HEARING RE
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED UPON INVESTMENT IN
OAK SHORES II LOAN**

Date of Hearing: May 9, 2011
Time of Hearing: 2:00 p.m.
Estimated Time For Hearing: 10 minutes

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR
CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE OAK
SHORES II LOAN. THE USACM TRUST CONTENDS THAT YOU DO NOT**

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 HAVE A VALID CLAIM BASED UPON YOUR INVESTMENT IN THIS LOAN
2 BECAUSE YOU TOOK A KNOWN AND OBVIOUS RISK IN MAKING THAT
3 INVESTMENT AND USACM DID NOT GUARANTEE REPAYMENT OF THAT
4 LOAN. THIS OBJECTION WILL NOT IMPACT YOUR CLAIM TO THE
5 EXTENT IT IS BASED UPON AN INVESTMENT IN A DIFFERENT LOAN.

6 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
7 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
8 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM
9 SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP
10 CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN
11 HINDERAKER (520-629-4430).

12 NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust, by and
13 through its counsel, has filed its Omnibus Objections to Proofs of Claim Based in Whole
14 or in Part Upon Investment in the Oak Shores II Loan (with Certificate of Service) (the
15 “Objection”). Your Proof of Claim number and other information regarding your claim is
16 provided in **Exhibit A**, attached to the Objection. The USACM Liquidating Trust has
17 requested that this Court enter an order, pursuant to section 502 of title 11 of the United
18 States Code (the “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy
19 Procedure (the “Bankruptcy Rules”), disallowing your Proof of Claim to the extent it is
20 based upon an investment in the Oak Shores II Loan. The Objection will not impact your
21 Claim to the extent it is based upon an investment in a different loan.

22 NOTICE IS FURTHER GIVEN that the hearing on the Objection will be held
23 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
24 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
25 **May 9, 2011, at the hour of 2:00 p.m.**

1 NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON MAY 9,
2 2011, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND
3 SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE
4 HEARD ON THAT DATE.

5 NOTICE IS FURTHER GIVEN that pursuant to Local Rule 9014(d), any
6 response to the objection must be filed and service must be completed no later than
7 **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant
8 facts and any relevant legal authority.

9 If you object to the relief requested, you *must* file a **WRITTEN** response to this
10 pleading with the Court. You *must* also serve your written response on the person who
11 sent you this notice.

12 If you do not file a written response with the Court, or if you do not serve your
13 written response on the person who sent you this notice, then:

- 14 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 15 • The Court may *rule against you* and sustain the objection without formally
16 calling the matter at the hearing.

17 Dated: April 11, 2011.

18 LEWIS AND ROCA LLP

19 By s/John Hinderaker (AZ 18024)

Robert M. Charles, Jr., NV 6593

John Hinderaker, AZ 18024 (*pro hac vice*)

20 3993 Howard Hughes Parkway, Suite 600

21 Las Vegas, Nevada 89169

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Attorneys for the USACM Liquidating Trust

22 Copy of the foregoing mailed by first
23 class postage prepaid U.S. Mail on
24 April 11, 2011 to all parties listed on
25 Exhibit A attached to the objection.

26 LEWIS AND ROCA LLP

s/ Marie H. Mancino

MARIE H. MANCINO